

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendments and remarks are being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-9 are pending. Claims 1, 8 and 9, which are independent, are hereby amended. Support for this amendment is provided at page 19 of the Specification. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,781,435 to Holroyd, et al. (hereinafter, merely "Holroyd") in view of U.S. Patent No. 4,272,790 to Bates (hereinafter, merely "Bates").

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...switching means having a third processing means for being fed with said data outputted from said input processing means and the output processing means for selectively outputting the input data to said input processing means and the output processing means...

wherein a recording port and a reproducing port are selected as a set such that the recorded audio and video signals are monitored simultaneously.” (emphasis added)

Applicants submit that claim 1 is patentable because neither Holroyd nor Bates, taken alone or in combination teach or suggest the above-identified features of claim 1. Specifically, the Office Action cites to column 2, lines 60-64 of Holroyd to support an assertion that Holroyd teaches the claimed switching means. However, column 2, lines 60-64 merely recites:

“[a]s discussed above, normally the various types of material are separately logged into the storage unit 14 as a series of digitized shots which are then available for subsequent non-linear editing. However the present invention allows the editor to take shots directly from a linear source, such as the VTR 28, a camera or the like, and insert the shots directly into the edit, the processor unit 12 performing the digitization of the selected shots in the background simultaneously.” (See Holroyd, col. 2, lines 60-64)

Applicants note that the Office Action also points to column 2, lines 39-42.

However, there is no disclosure, either in the cited portions or elsewhere in Holroyd of the claimed switching means with a third processing means for being fed with said data outputted from said input processing means and the output processing means for selectively outputting the input data to said input processing means and the output processing means, as recited in claim 1.

Moreover, the Office Action on page 5 cite to col. 2, lines 60-64 to assert that Holroyd teaches that the third processing means controls the first processing means and the second processing means.

Applicants respectfully submit that the Office Action has failed to identify a disclosure in Holroyd that teaches or suggests switching means with a third processing means for being fed with said data outputted from said input processing means and the output processing means for selectively outputting the input data to said input processing means and the output processing means.

Claim 1 also recites “wherein a recording port and a reproducing port are selected as a set such that the recorded audio and video signals are monitored simultaneously.” Applicants submit that Bates describes utilizing “pulses from the video tape control track precisely to control both the operation of both the source video tape recorder and the record video tape recorder around the selected edit frame...” (See Bates column 1, lines 30-35) Applicants submit that utilizing pulses, as described in Bates, teaches away from selecting a recording port and a reproducing port as a set such that the recorded audio and video signals are monitored simultaneously, as recited in claim 1.

Thus, the Office Action has failed to make a *prima facie* case that claim 1 is unpatentable.

Claims 8 and 9 are similar in scope and are patentable for similar reasons.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent

claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

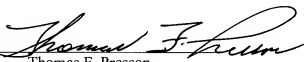
CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800